

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

TREASURE ISLAND, LLC,

Case No. 2:20-CV-965 JCM (EJY)

Plaintiff(s),

ORDER

V.

AFFILIATED FM INSURANCE COMPANY,

Defendant(s).

Presently before the court is plaintiff Treasure Island, LLC (“plaintiff”)’s motion for leave to file notice of supplemental authority. (ECF No. 280). Defendant Affiliated FM Insurance Company (“defendant”) filed a response to plaintiff’s motion (ECF No. 283), to which plaintiff did not reply.

Also before the court is plaintiff's motion for leave to file second notice of supplemental authority. (ECF No. 282). Defendant filed a response to plaintiff's motion (ECF No. 284), to which plaintiff did not reply.

I. Background

This action stems from a property insurance contract dispute in which plaintiff seeks to recover financial losses it sustained when it temporarily closed its premises in compliance with an order issued by the governor to prevent the spread of COVID-19. (ECF No. 1 at 2-4). Defendant's motion for summary judgment is pending before the court. (ECF No. 265).

Plaintiff has moved for leave to supplement the authorities it cites in its response to defendant's motion for summary judgment (ECF Nos. 271 and 272).

1 First, plaintiff seeks to supplement its response with the ruling issued by the Supreme
 2 Court of Nevada in *Starr Surplus Lines Ins. Co. v. Eighth Jud. Dist. Ct.*, No. 84986, 2023 WL
 3 5989929 (Nev. Sept. 14, 2023). (ECF No. 280 at 1-2).

4 Plaintiff further seeks to supplement its response with the magistrate judge's order on
 5 plaintiff's motion for sanctions, in which its motion was granted in part and denied in part. (ECF
 6 No. 282-2).

7 **II. Legal Standard**

8 Local Rule 7-2(g) provides that a court may grant leave to file supplemental authority
 9 "for good cause." L-R 7-2(g). Good cause exists, *inter alia*, "when the supplemental authority is
 10 precedential or is an authority that is particularly persuasive or helpful." *Hunt v. Washoe Cnty.*
 11 *Sch. Dist.*, No. 3:18-cv-00501-LRH-WGC, 2019 WL 4262510, at *3 (D. Nev. Sept. 9, 2019).

12 **III. Discussion**

13 Good cause does not exist to grant plaintiff's two motions, and doing so would violate a
 14 prior order issued by the court.

15 On March 23, 2022, the court issued a stay until the Ninth Circuit issued its decision in
 16 *Circus Circus LV, LLP v. AIG Specialty Ins. Co.*, No. 21-15367. (ECF No. 250 at 1-2). The
 17 court further ordered that when the stay was lifted, the parties could re-file one renewed motion
 18 for summary judgment, but they could not request leave to file supplemental authorities. (*Id.* at
 19 3) ("[n]o requests to exceed page limits will be granted, nor leave to file surreplies and
 20 supplemental authorities.").

21 As defendant notes, the court's order was specific in stating that the parties were not to
 22 request leave to file supplemental authorities. Plaintiff's filing the two instant motions
 23 contravenes the court's order issued on March 23, 2022, thus necessitating their denial. Plaintiff
 24

has failed to file replies in support of its motions, likely realizing it cannot overcome defendant's argument that the court's prior order controls.

The court denies plaintiff's two motions for leave to file notices of supplemental authority. (ECF Nos. 280 and 282). An order on defendant's motion for summary judgment (ECF No. 265) is forthcoming.

IV. Conclusion

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that plaintiff Treasure Island, LLC (“plaintiff”)’s motion for leave to file notice of supplemental authority (ECF No. 280) be, and the same hereby is, DENIED.

IT IS FURTHER ORDERED that plaintiff's motion for leave to file second notice of supplemental authority (ECF No. 282) be, and the same hereby is, DENIED.

DATED November 3, 2023.

Xelius C. Mahan
UNITED STATES DISTRICT JUDGE